

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

Phillips

Civil Action 10-0882

versus

Judge Tucker L. Melançon

Wyeth Inc., et al

Magistrate Judge C. Michael Hill

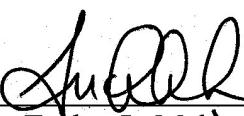
**ORDER**

Before the Court is the parties' Joint Motion To Maintain Stay [Rec. Docs. 89] requesting that the Court maintain the administrative termination of this case until the Supreme Court of the United States issues a mandate on a motion for rehearing filed by plaintiffs in *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (June 23, 2011). On January 28, 2011, the Court administratively terminated this action as well as several other related actions based on the United States Supreme Court's pending decisions in *Demahy v. Actavis, Inc.*, 593 F.3d 428 (5<sup>th</sup> Cir. 2010), *certiorari granted* No. 09-1501 and *Mensing v. Wyeth, Inc.*, 588 F.3d 603 (8<sup>th</sup> Cir. 2009), *certiorari granted* No. 09-993 and 09-1039, being rendered. The Court advised the parties to file a motion to reopen the action within 30 days of the Court's decisions and to submit a Joint Plan of Work. *R.* 82. Following the Supreme Court's decision, on July 25, 2011, the Court granted a Joint Motion to Reopen Case and to Postpone the Proposed Plan of Work and Set a Date for the Filing of Dispositive Motions Based on PLIVA filed by the parties in the Court's related case, *Stevens v. Ranbaxy Pharmaceuticals, Inc.*, et al, 10-cv-0886. The Court has a number of cases which are related to this action and in order to maintain continuity within the related cases, it is

**ORDERED** that the motion is **DENIED**; the case is **REOPENED** and the parties are relieved of their obligation to complete a Proposed Joint Plan of Work.

**IT IS FURTHER ORDERED** that defendant is to file its dispositive motion based on *PLIVA, Inc. v. Mensing*, — U.S. —, 131 S. Ct. 2567 (June 23, 2011) by September 1, 2011.

**THUS DONE AND SIGNED** in Lafayette, Louisiana, on this 26<sup>th</sup> day of July, 2011.



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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE